REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-20 are pending. Of these, claims 1, 4, 10, 15 and 17 are independent. By this paper, claims 1, 4 and 10 are amended. No new matter is introduced by these amendments. Entry is respectfully requested.

Claim Rejections

(a) Rejection Under 35 U.S.C. §102(b)

Claims 1, 8, 10-12, 15 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,912,720 to Berger et al. ("Berger"). [4/3/07 Office Action at p. 2-5]. The Office Action contends that the Berger discloses to the opthalmologic image pickup system of Applicant's claim 1. Applicant respectfully disagrees.

Applicant's claim 1 recites:

> 1. An opthalmologic image pickup system, comprising:
>
> an image pickup device including;
>
> image data generation means for generating image data of an eye fundus to be examined;
>
> device information generation means for generating device information to identify the image pickup device; and
>
> data output means for outputting the image data and the image pickup device information, and
>
> an image processing device including;
>
> data input means for inputting the image data and the image pickup device information

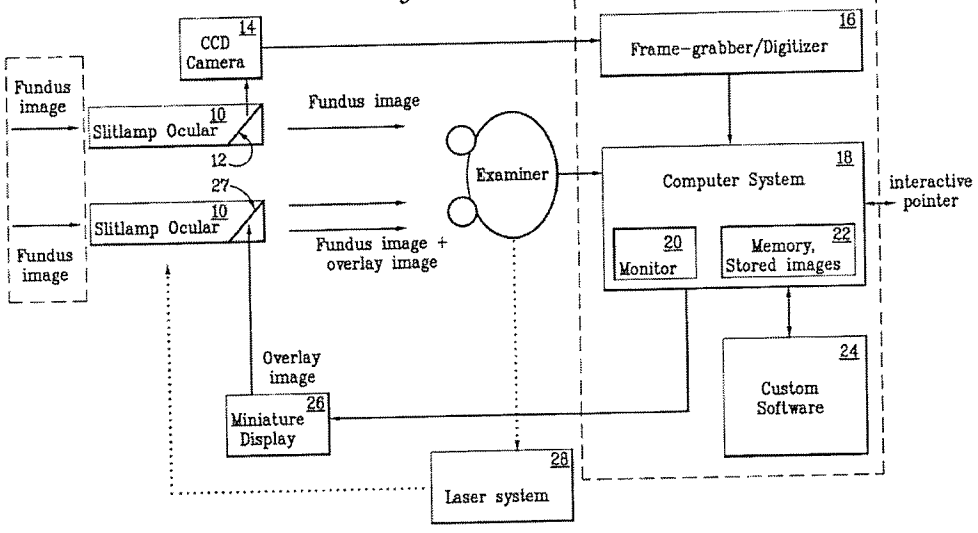
> output from the output means of the image pickup device;
>
> device information determination means for determining the image pickup device based on the device information inputted through the data input means; and
>
> image processing means for performing different image processing on the inputted image data in accordance with a determination result of the device information determination means.

Berger is directed towards a technique of creating a computer-vision-enabled ophthalmic augmented reality environment for the diagnosis and treatment of eye diseases, and more particularly, to a technique for superimposing present and previous images to aid in the recognition and treatment of diseased tissue in the eye. [Berger at col. 1:10-15]. Berger teaches the augmentation of the biomicroscopic Fundus image with available photographic and angiographic data so as to allow, for example, for direct comparison with previous images to judge disease progression and for real-time identification of prior treatment areas. [Berger at col. 2:50-61]. In that regard, Berger relates to:

> [A] system and method for facilitating the accurate identification of diseased tissue by overlaying angiographic data and photographic images onto the real-time biomicroscopic fundus image. After calculating the best overlap of the photographic and angiographic images, the composite image is rendered visible. This technique of image overlay falls under the broad heading of "augmented reality" (AR) as used herein, which refers to the extraction and augmentation of real world images, as opposed to virtual reality, which refers to a computer constructed, synthetic environment. Potential advantages of an ophthalmic AR environment include more precise treatment for retinal diseases, teaching, telemedicine and telecollaboration, and real-time image measurement and comparison. [Berger at col. 3:26-40].

The Office Action contends that claim 1's device information *generation means* is "deemed inherent" in Berger. [4/13/06 Office Action at p. 2]. However, as an initial matter, the Office Action does not point to any sections of the Berger disclosure in support of this assertion. Review of Berger shows that it is silent as to an image pickup device including a device information *generation means* and absent from the hardware configuration of Berger's apparatus (figure 1 – reproduced below) is any element that is related to a "device information *generation means* for generating device information to identify the image pickup device" as recited in Applicant's claim 1. (emphasis added). Consequently, absent from Berger's apparatus is any image processing element related to a "device information *determination means* for determining the image pickup device based on the device information inputted through the data input means" as recited in Applicant's claim 1. (emphasis added). Accordingly, Applicant respectfully submits that for at least the above reasons, independent claim 1 is patentably distinct from Berger, and allowable.

FIG. 1



Independent claims 10 and 17 also recite the limitation of a "device information generation means for generating device information to identify the image pickup device" as recited in Applicant's claim 1. Independent claim 15 is directed to an ophthalmologic image processing apparatus and recites the limitation of a "device information determination means for determining device information inputted from the ophthalmologic image pickup device" as recited in Applicant's claim 1. Therefore, Applicant respectfully submits that, for at least the reasons for allowing claim 1, claims 10, 15 and 17, and claims depending therefrom, are also patentably distinct from Berger, and are allowable.

Accordingly, Applicant respectfully requests that rejections under 35 U.S.C. § 102(b) as to claims 1, 8, 10-12, 15 and 17 be withdrawn being overcome or otherwise rendered moot.

(b) Rejection Under 35 U.S.C. §103(a)

Claims 2-7, 9, 13-14, 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berger in view of the Admitted Prior Art ("APA"). [4/3/07 Office Action at p. 6-11]. Applicant respectfully disagrees.

Of the rejected claims, only claim 4 is independent, which recites:

> 4. An ophthalmologic image pickup system, comprising:
>
> a plurality of image pickup devices, each of which picks up an image of an eye to be examined to generate image data thereof;
>
> device information determination means for determining device information related to each of the plurality of image pickup devices;

> a processing table showing an image data processing method corresponding to each of the plurality of image pickup devices; and
>
> image processing means for performing different image processing on the image data in accordance with each of the plurality of determination results of the device information determination means and the processing table.

With regard to claim 4, the Office Action contends that Berger discloses an ophthalmologic image pickup system recited in Applicant's claim 4 asserting that the limitations (i) "a plurality of image pickup devices . . . ." is disclosed in Berger at col. 5:13-17 and 6:12-14; (ii) "device information determination means . . . ." is deemed inherent in Berger; and (iii) "image processing means . . . ." is disclosed in Berger at Col. 3:1-3, 3:58-64 and 6:44-47. [4/3/07 Office Action at p. 7]. Applicant respectfully disagrees and submits that review of Berger clearly shows that none of these limitations is taught, disclosed or suggested by Berger.

Specifically, review of the cited sections, and as disclosed in Berger's Fig. 1 (reproduced above), shows that binocular Fundus images are acquired in Berger via *a standard* slit-lamp biomicroscope which is overlayed with stored images from memory 22 in computer system 18. [See e.g. Berger at col. 5:13-17, Fig. 1]. That is, there is only *one* image pickup device for the acquired Fundus images.

Additionally, claim 4 also recites the limitation of a "device information determination means for determining device information related to each of the plurality of image pickup devices", which, as discussed with respect to Applicant's claim 1 above, is absent from the Berger reference.

Further, because Berger is utterly silent as to a "device information determination means" it also does not teach, disclose or suggest "image processing means for performing

different image processing on the image data in accordance with each of the plurality of determination results of the device information determination means and the processing table" as recited in Applicant's claim 4.

Consequently, Applicant's independent claim 4 is patentably distinct from Berger taken alone, or in combination with the APA. Applicant has not specifically addressed the rejections of the dependent claims and respectfully submits that 5-7 and 19-20 are allowable for at least the reasons set forth above for allowability of independent claim 4.

With regard to independent claims 1, 10, 15 and 17, the Office Action has not pointed to any specific teaching in the APA that discloses, teaches or suggests a "device information generation means" recited in claims 1, 10 and 17; or a "device information determination means" recited in claim 1 and 15. As discussed above, Berger also does not disclose these limitations.

Therefore, for at least the reasons discussed, Applicant respectfully submits that even assuming *arguendo* that the combination of the Berger and the APA is properly motivated, such a combination will not teach, disclose or suggest the apparatus(system) recited in Applicant's claims 1, 10, 15 and 17. Accordingly, Applicant respectfully submits that claims 1, 10, 15 and 17, and claims 2-3, 9, 13-14, 16 and 18 depending therefrom, are neither anticipated by not rendered obvious by Berger taken alone or in combination with APA.

Accordingly, Applicant respectfully requests that rejections under 35 U.S.C. § 103(a) as to claims 2-7, 9, 13-14, 16 and 18-20 be withdrawn being overcome or otherwise rendered moot.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These

statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

(c) **Dependent Claims**

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant respectfully requests that the foregoing objections be withdrawn as being overcome or otherwise rendered moot.

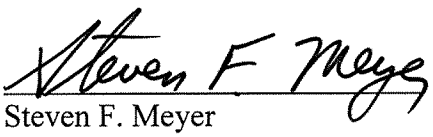
CONCLUSION

For at least the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5360.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: June 27, 2007

By: 
Steven F. Meyer
Registration No. 35,613

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile